

B2 generating a report that describes a subcontractor percentage of responsibility of a subcontractor for a defect based upon the trade identifiers and the subcontractor percentage.

21. (Amended) A method of organizing information in a computer, comprising:

B3 assigning an object identifier to a graphical representation of a physical object, wherein the object identifier uniquely identifies a document;

providing at least one item of observational information that describes a characteristic of the physical object, and wherein the observational information includes location information for the physical object, and wherein the observational information includes defect information regarding the physical object;

assigning at least one observational identifier to the item of observational information; and

associating, in the computer, the object identifier to the observational identifier.

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Discussion of Status of Claims

Claims 1-11 and 19-31 are pending. By this paper, Claims 12-18 have been cancelled as being directed to a non-elected invention.

Discussion of Claim Rejections Under 35 U.S.C. § 101

In the Office Action, the Examiner rejected Claim 20 under 35 U.S.C. § 101 because the claimed invention lacks patentable utility. The Examiner stated that the preamble of Claim 20 is directed to a system however no physical structure was recited in the claim. Applicant has

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amended Claim 20 to be directed to a method and respectfully submits that the claim scope has not thereby been narrowed and that the basis of this rejection has been overcome.

Discussion of Claim Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

In the Office Action, the Examiner rejected Claims 1-7, 10, 11, 19, and 21-27 under 35 102(b) as being anticipated by U.S. Patent No. 5,467,444 to Kawamura, et al. (hereinafter Kawamura). Claims 8, 9, 28, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawamura.

One embodiment of Applicant's invention is generally directed to a construction defect management system. In the system, an inspector annotates a graphical representation, e.g., a sketch or blueprint, of a building with an observational identifier. A representation of the building is input into a computer and correlated with observational information regarding the defects. The observation management system allows a user to search for defects and also to view a picture showing the graphical representation and identify via the observational identifier the location of the defect in the building.

Claims 1, 19 and 21

Independent Claim 1, as amended, recites among other limitations: "assigning an object identifier to a graphical representation of a physical object, *wherein the object identifier uniquely identifies a document*; providing at least one item of observational information that is related to the physical object, *wherein the observational information includes defect information regarding the physical object*" (emphasis added). Independent Claims 19 and 21, as amended, include similar limitations.

Applicant respectfully submits that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. See M.P.E.P. § 2131. Applicant respectfully submits that the above-limitations are not taught or suggested by Kawamura. Kawamura is directed to a system for displaying map information. Using the Kawamura system, a user can view a 3-D model of a map and can view the street address of each building shown on the map.


In contrast, in one embodiment of Applicant's claimed invention, an object identifier is used to uniquely identify a document, such as a floor plan schematic. Kawamura does not teach or suggest providing an object identifier to uniquely identify a document. In the Office Action, the Examiner took the position that the object identifier corresponded to a "Resident ID." Applicant respectfully submits that the Resident ID of Kawamura does not uniquely identify a document. The Resident ID merely appears to be an identifier for a resident at a particular address.

Furthermore, Applicant's claimed invention recites "*wherein the observational information includes defect information regarding the physical object.*" In the Office Action, the Examiner took the position that the name of the owner of a building that is stored in the Kawamura system corresponded to the claimed "observational information." Applicant respectfully submits that the name of an owner is not defect information regarding a physical object, as is claimed.

In the Office Action, the Examiner took the position that the use of "construction defect information" in place of names would have been one of obvious skill in the art as a choice of design. Applicant submits that this finding does not support a prima facie rejection. Applicant submits that the prior art must suggest the desirability of the claimed invention. See M.P.E.P. § 2143.01. The fact that references can be modified is not sufficient to establish prima facie obviousness. *Id.* Furthermore, the fact that the claimed invention is within the capability of one of ordinary skill in the art is not sufficient by itself to establish prima facie obviousness. *Id.* In this case, the Examiner has merely made conclusory findings regarding the motivation to modify the Kawamura system. Applicant respectfully submits that the Examiner has failed to provide a prima facie rejection and that independent Claims 1, 19, and 21 are in condition for allowance.

Claims 2-10 and 22-31

Since Claims 2-10 and 22-31 each depend on one of Claims 1 and 21, Applicant respectfully submits that these claims are allowable for the reasons previously discussed and the subject matter of their own limitations

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Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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The specific changes to the amended claims are shown below. Insertions are underlined while the deletions are stricken through.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Amended) A method of organizing information in a computer, comprising:
assigning an object identifier to a graphical representation of a physical object,
wherein the object identifier uniquely identifies a document;
providing at least one item of observational information that is related to the
physical object, wherein the observational information includes defect information
regarding the physical object;
assigning at least one observational identifier to the item of observational
information;
annotating the graphical representation of the physical object with the
observational identifier; and
associating in the computer the object identifier to the observational identifier.
19. (Amended) A program storage device storing instructions that when executed
performs the method comprising:
assigning an object identifier to a graphical representation of a physical object,
wherein the object identifier uniquely identifies a document;
receiving a request for the display of an observational information item relating to
a physical object, wherein the observational information includes defect information
regarding the physical object;
associating, in the computer, the object identifier to the observational identifier;
and
displaying the observational information item; and
displaying an annotated graphical representation of the physical object that
describes the view associated with observational information item.

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20. (Amended) A ~~system for~~ method of assigning responsibility for building defects, including:

associating a plurality of subcontractor identifiers to a plurality of subcontractors;

associating a plurality of trade identifiers to the subcontractor identifiers;

assigning a trade percentage to one of the trade identifiers, the trade percentage identifying a cost to repair a defect for the trade identified by the trade identifier; and

generating a report that describes a subcontractor percentage of responsibility of a subcontractor for a defect based upon the trade identifiers and the subcontractor percentage.

21. (Amended) A method of organizing information in a computer, comprising:

assigning an object identifier to a graphical representation of a physical object, wherein the object identifier uniquely identifies a document;

providing at least one item of observational information that describes a characteristic of the physical object, and wherein the observational information includes location information for the physical object, and wherein the observational information includes defect information regarding the physical object;

assigning at least one observational identifier to the item of observational information; and

associating, in the computer, the object identifier to the observational identifier.